

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT DUNN,

Plaintiff,

v.

9:21-CV-0905
(GTS/ATB)

SCHADEL, Sgt.; TACTI, Corr. Officer; and
JOHN/JANE DOES 1-5, Corr. Officers,

Defendants.

APPEARANCES:

ROBERT DUNN
Plaintiff, *Pro Se*
c/o Officer Smith
New York State Division of Parole
92-36 Merrick Boulevard
Jamaica, New York 11433

HON. LETITIA A. JAMES
Attorney General for the State of New York
Counsel for Defendants
300 South State Street, Suite 300
Syracuse, New York 13202

GLENN T. SUDDABY, United States District Judge

OF COUNSEL:

AIMEE COWAN, ESQ.
Assistant Attorney General

Currently before the Court, in this *pro se* prisoner civil rights action filed by Nicholas Dayter (“Plaintiff”) against the above-captioned corrections officers (“Defendants”), are (1) Defendants’ motion to dismiss Plaintiff’s Complaint for failure to prosecute, and (2) United States Magistrate Judge Andrew T. Baxter’s Report-Recommendation recommending that Defendants’ motion be granted and Plaintiff’s Complaint be dismissed with prejudice. (Dkt. Nos. 37, 29.) No party has filed an objection to the Report-Recommendation and the deadline in

which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant filings in this action, the Court finds no error in the Report-Recommendation, clear or otherwise:¹ Magistrate Judge Baxter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein, Defendants' motion to dismiss is granted, and Plaintiff's Complaint is dismissed with prejudice.

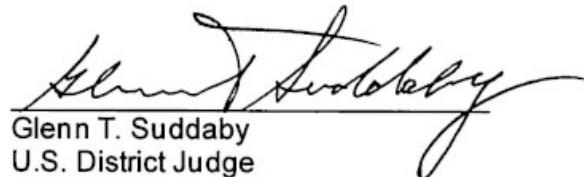
ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 29) is **ACCEPTED** and **ADOPTED**; and it is further

ORDERED that Defendant's motion to dismiss (Dkt. No. 27) is **GRANTED**; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** with prejudice.

Dated: November 29, 2022
Syracuse, New York



Glenn T. Suddaby
U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).